

**RECEIVED
CENTRAL FAX CENTER****JUN 19 2006****FAX TRANSMISSION****DATE:** June 19, 2006**PTO IDENTIFIER:** Application Number 10/607,792-Conf. #6267
Patent Number**Inventor:** Robert T. Beierle**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8900**FROM:** ROBERT R. RICHARDSON, P.S.

Robert R. Richardson

PHONE: (360) 692-0626**Attorney Dkt. #:** BA1-01-0588 (01-588)**PAGES (Including Cover Sheet):** 24**CONTENTS:** Transmittal (1 page)
Petition to Withdraw Holding of Abandonment (4 pages)
Exhibits A-G to Petition (13 pages)
Response to Restriction Requirement (without Traverse) (2 pages)
One Month Request for Extension of Time Under 37 CFR 1.136(a) (1 page)
Payment by credit card. Form PTO-2038 is attached (1 page)
Certificate of Transmission (1 page)

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P.O. Box 2677, Silverdale, Washington 98383-2677
Telephone: (360) 692-0626 **Facsimile:** (360) 692-6584

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CENTRAL FAX CENTER

JUN 19 2006

PTO/SB/97 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U. S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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Application No. (if known): 10/607,792

Attorney Docket No.: BA1-01-0588 (01-588)

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.

on June 19, 2006
Date


SignatureRobert R. Richardson

Typed or printed name of person signing Certificate

40,143

Registration Number, if applicable

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Telephone Number

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Fax Cover Sheet (1 page)

Transmittal (1 page)

Petition to Withdraw Holding of Abandonment (4 pages)

Exhibits A-G to Petition (13 pages)

Response to Restriction Requirement (without Traverse) (2 pages)

One Month Request for Extension of Time Under 37 CFR 1.136(a) (1 page)

Payment by credit card. Form PTO-2038 is attached (1 page)

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003/024

JUN 19 2006

PTO/SB/21 (09-04)


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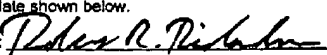
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/607,792-Conf. #6267	
	Filing Date	June 27, 2003	
	First Named Inventor	Robert T. Beierle	
	Art Unit	2841	
	Examiner Name	H. S. Bui	
Total Number of Pages in This Submission	24	Attorney Docket Number	BA1-01-0588 (01-588)

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Exhibits A-G to Petition Credit Card Payment Form Fax Cover Sheet Certificate of Transmission
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	ROBERT R. RICHARDSON, P.S.		
Signature			
Printed name	Robert R. Richardson		
Date	June 19, 2006	Reg. No.	40,143

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the Patent and Trademark Office, facsimile no. (571) 273-8300, on the date shown below.	
Dated: 6/19/06	Signature:  (Robert R. Richardson)

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CENTRAL FAX CENTER****JUN 19 2006**

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Dated: 6/19/06 Signature: Robert R. Richardson
(Robert R. Richardson)

Docket No.: BA1-01-0588 (01-588)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Robert T. Beierle

Application No.: 10/607,792

Confirmation No.: 6267

Filed: June 27, 2003

Art Unit: 2841

For: PASSIVE REPEATER/TERMINATOR

Examiner: H. S. Bui

**PETITION UNDER 37 CFR 1.181 FOR WITHDRAWAL OF HOLDING
OF ABANDONMENT OF PATENT APPLICATION**

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

A Notice of Abandonment was mailed in the above-referenced patent application on May 2, 2005. The Notice of Abandonment stated that the application was abandoned in view of Applicant's failure to timely file a proper reply to the Office letter mailed on 3 October 2005, and that no reply has been received. The Notice of Abandonment also stated that a telephone call was made to applicant's undersigned attorney on 27 April 2006 to confirm the abandonment of the application.

I. FACTS

The underlying facts are set forth as follows.

A Restriction Requirement (Exhibit A) was mailed on 3 October 2005 in the above referenced patent application. On 9 November 2005 at 1:25 PM (Pacific Time), Applicant's undersigned attorney called and spoke with Examiner Bui, the Examiner in charge of examination

Application No.: 10/607,792

Docket No.: BA1-01-0588 (01-588)

of the above-referenced patent application. *See* Applicant's attorney's itemized telephone bill of December 17, 2005, at p. 5 (Exhibit B). During the telephone call, Applicant's attorney elected Claims 1-18 for continued prosecution and the Examiner acknowledged the election of Claims 1-18 for continued prosecution. *See* Interview Summary (Exhibit C). Applicant's attorney asked the Examiner if a one month extension of time was necessary because the telephonic election was being made three days after the one month statutory period for response. *See Id.* The Examiner stated that the Office would take care of it. *See Id.*

Examiner Bui forgot about the call. *See Id.*

Applicant's attorney periodically checked Private PAIR to monitor status of the above-referenced patent application to check for issuance of a substantive action on the merits.

Applicant's attorney was out of the office from 26 April 2006 until 1 May 2006. An extended absence greeting on Applicant's attorney's voice mail stated that Applicant's attorney was out of the office from 26 April 2006 until 1 May 2006 and that calls would be returned upon return to the office on 1 May 2006.

The Examiner left a message on Applicant's attorney's phone on April 27, 2006. *See* Notice of Abandonment. Contrary to the statement made in the Notice of Abandonment, the Examiner's message was not to "confirm the abandonment" of the application. The Examiner's message instead was to discuss "status of" the application. Abandonment was not mentioned in the Examiner's message. *See* Telephone Call Record of 1 May 2006 (Exhibit D). Applicant's attorney called Examiner Bui at 8:26 AM on 1 May 2006 upon return to the office and left a message that the status of the application was that Claims 1-18 were elected via the teleconference on 9 November 2006. *See Id.*; *see also* Applicant's attorney's itemized telephone bill of May 17, 2006, at p. 6 (Exhibit E).

A Notice of Abandonment (Exhibit F) was mailed on 2 May 2006 – that is, the day after a message was left with Examiner Bui that the status of the case was election of claims 1-18 via the teleconference on 9 November 2006. Applicant's attorney received the Notice of Abandonment on

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3 May 2006 (after close of business in Alexandria, Virginia). The Notice of Abandonment was the first indication to Applicant's attorney regarding abandonment of the patent application.

On 4 May 2006 at 8:45 AM (Pacific Time), Applicant's attorney called Examiner Bui to discuss the Notice of Abandonment. *See* Applicant's attorney's itemized telephone bill of May 17, 2006, at p. 7 (Exhibit G). Examiner Bui was unavailable, so Applicant's attorney left a voice mail message with Examiner Bui to discuss the Notice of Abandonment. Because Examiner Bui was unavailable, at 8:48 AM (Pacific Time) on 4 May 2006 Applicant's attorney called and spoke with Examiner Bui's supervisor, Supervisory Patent Examiner Cuneo. Examiner Cuneo said she would look into the situation and get back to Applicant's attorney by close of business on Monday 8 May 2006. *See Id.*

Applicant's attorney did not receive any call from Examiner Cuneo by close of business on Monday 8 May 2006. On Tuesday 9 May 2006 at 12:00 PM (Pacific Time), Applicant's attorney still had not heard from Examiner Cuneo. Applicant's attorney called Examiner Cuneo at 12:00 PM (Pacific Time) on Tuesday 9 May 2006 to follow up with Examiner Cuneo. Examiner Cuneo was unavailable, so Applicant's attorney left a voice mail message with Examiner Cuneo.

On 31 May 2006 at 10:30 AM (Pacific Time), Examiner Cuneo called Applicant's attorney and stated that the United States Patent and Trademark Office would make record of these events in the file and that Applicant must file a general petition under section 181 to withdraw the holding of abandonment. *See* Interview Summary. An Interview Summary was mailed on 14 June 2006 and received by Applicant's attorney on 17 June 2006.

II. CONCLUSION

In view of the basis described above, Applicant respectfully requests entry, consideration and granting of this Petition to Withdraw Holding of Abandonment of the above-referenced patent application. Applicant respectfully requests withdrawal of the holding of abandonment and revival of the above-referenced patent application, and entry of the written Response to Restriction Requirement filed herewith. A One Month Petition for Extension of Time (based upon making the

Application No.: 10/607,792

Docket No.: BA1-01-0588 (01-588)

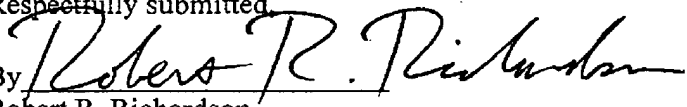
telephonic election of claims 1-18, that was acknowledged by Examiner Bui, three days after expiration of the one month statutory period for response) is also submitted herewith.

Applicant believes no fee is due for this petition submitted under 37 CFR 1.181. However, if a fee is due, please charge any fee required to Deposit Account no. 503048, under order no. BA1-01-0588 (01-588), from which the undersigned is authorized to draw.

Dated: June 19, 2006

Respectfully submitted,

By


Robert R. Richardson

Registration No.: 40,143

ROBERT R. RICHARDSON, P.S.

P.O. Box 2677

Silverdale, Washington 98383-2677

(360) 692-0626

Attorney for Applicant



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,792	06/27/2003	Robert T. Beierle	BOEI-1-1191	6267

7590 10/03/2005

ROBERT R. RICHARDSON, P.S.
P.O. BOX 2677
SILVERDALE, WA 98683-2677

EXAMINER

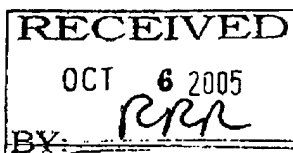
BUI, HUNG S

ART UNIT

PAPER NUMBER

2841

DATE MAILED: 10/03/2005



Please find below and/or attached an Office communication concerning this application or proceeding.

BA1-01-0588

EXHIBIT A

P.1/4

Office Action Summary	Application No. 10/607,792		Applicant(s) BEIERLE, ROBERT T.	
	Examiner Hung S. Bui		Art Unit 2841	
	<p align="center">– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –</p> <p>Period for Reply</p> <p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>1</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.</p> <ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). <p>Status</p> <p>1) <input type="checkbox"/> Responsive to communication(s) filed on ____.</p> <p>2a) <input type="checkbox"/> This action is FINAL. 2b) <input checked="" type="checkbox"/> This action is non-final.</p> <p>3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p> <p>Disposition of Claims</p> <p>4) <input checked="" type="checkbox"/> Claim(s) <u>1-37</u> is/are pending in the application.</p> <p style="padding-left: 20px;">4a) Of the above claim(s) ____ is/are withdrawn from consideration.</p> <p>5) <input type="checkbox"/> Claim(s) ____ is/are allowed.</p> <p>6) <input type="checkbox"/> Claim(s) ____ is/are rejected.</p> <p>7) <input type="checkbox"/> Claim(s) ____ is/are objected to.</p> <p>8) <input checked="" type="checkbox"/> Claim(s) <u>1-37</u> are subject to restriction and/or election requirement.</p> <div style="text-align: right; margin-top: 10px;"> BA1-01-0588 EXHIBIT A P. 2/4 </div> <p>Application Papers</p> <p>9) <input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10) <input type="checkbox"/> The drawing(s) filed on ____ is/are: a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).</p> <p>11) <input type="checkbox"/> The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.</p> <p>Priority under 35 U.S.C. § 119</p> <p>12) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p style="padding-left: 20px;">a) <input type="checkbox"/> All b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of:</p> <p style="padding-left: 40px;">1. <input type="checkbox"/> Certified copies of the priority documents have been received.</p> <p style="padding-left: 40px;">2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. ____.</p> <p style="padding-left: 40px;">3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p> <p style="padding-left: 20px;">* See the attached detailed Office action for a list of the certified copies not received.</p> <p>Attachment(s)</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>1) <input type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____.</p> </div> <div style="width: 45%;"> <p>4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: ____.</p> </div> </div>			

U.S. Patent and Trademark Office
PTOL-326 (Rev. 7-05)

Office Action Summary

Part of Paper No./Mail Date 09282005

Application/Control Number: 10/607,792
Art Unit: 2841

BA1-01-0588
EXHIBIT A
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Page 2

DETAILED ACTION***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-18, drawn to a passive terminator, classified in class 455, subclass 13.4.
 - II. Claims 19-28, drawn to a method of passively terminating first and second nodes, classified in class 379, subclass 413.
 - III. Claims 29-37, drawn to a system for transmitting and receiving signals, classified in class 710, subclass 100The inventions are distinct, each from the other because of the following reasons:

Inventions I-II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a passive terminator not using the method of passively terminating first and second nodes of II or the transmission system of III, invention II has separate utility such as a method of passively terminating first and second nodes not using the passive terminator of I or the transmission system of III, invention III has separate utility such as a transmission system not using the passive terminator of I or the method of passively terminating first and second nodes of II. See MPEP § 806.05(d).

2. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Application/Control Number: 10/607,792
Art Unit: 2841

BA1-01-0588
EXHIBIT A
P. 4/4

Page 3

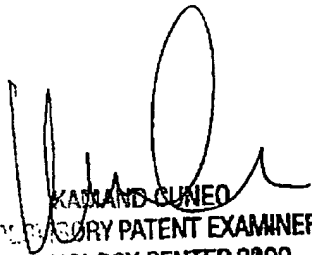
3. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung S. Bui whose telephone number is (571) 272-2102. The examiner can normally be reached on Monday-Friday 8:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on (571) 272-1957. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hung Bui
Art Unit 2841
9/29/05


KAMAND CUNEO
SENIOR PATENT EXAMINER
TECHNOLOGY CENTER 2800



BA1-01-0588
EXHIBIT **B**
P. 1/1

ROBERT R RICHARDSON
Bill Date: Dec 17, 2005
Account No: 360-692-0626 5748

Page 5



Customer Service 1 800 603-6000

Summary of Usage Reports

ROBERT R RICHARDS Qwest Choice Long Distance

Description	Period	Calls	Min:Sec	Charges
1+ INTERSTATE	NITE	4	9:54	.15
Subtotal		67	355:48	10.26
1+ INTRALATA	DAY	53	407:54	10.68
1+ INTRALATA	NITE	2	2:48	.09
Subtotal		55	410:42	10.77
Total		122	766:30	\$21.03

Service Detail - Plan/Feature Charges

ROBERT R RICHARDS

Description	Qty.	Period	Nonrecurring Charges	Monthly Charges	Total Charges
Access Line Charge	2	NOV 08-DEC 07	0.00	1.00	1.00
Qwest Choice MRC	2	NOV 08-DEC 07	0.00	7.98	7.98
Total Plan/Feature Charges			\$0.00	\$8.98	\$8.98

Service Detail - Long Distance Usage

ROBERT R RICHARDS

360-692-0626

No.	Date	Time	Called Number	Location	Min:Sec	Charges
1.	Nov 08	11:26A	206 655-5861	SEATTLE WA	1:12	.06
2.	Nov 09	11:26A	425 653-3601	BELLEVUE WA	22:30	1.12
3.	Nov 09	1:25P	571 272-2102	ALEXANDRIA VA	4:00	.20
4.	Nov 09	1:47P	562 797-5840	ALAMITOS CA	30:48	1.54
5.	Nov 09	4:45P	713 572-3282	HOUSTON TX	0:30	.03
6.	Nov 10	9:22A	949 790-1325	IRVINE CA	4:24	.22
7.	Nov 10	2:17P	714 374-4018	HUNTINGTON BEACH CA	21:18	1.06

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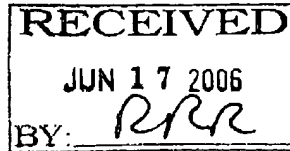


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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,792	06/27/2003	Robert T. Beierle	BOEI-1-1191	6267

7590 06/14/2006
ROBERT R. RICHARDSON, P.S.
P.O. BOX 2677
SILVERDALE, WA 98683-2677



EXAMINER

BUL HUNG S

ART UNIT PAPER NUMBER

2841

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

BA1-01-0588

EXHIBIT C

P. 1 / 3

Interview Summary	Application No.	Applicant(s)	
	10/607,792	BEIERLE, ROBERT T.	
	Examiner	Art Unit	
	Hung S. Bui	2841	

All participants (applicant, applicant's representative, PTO personnel):

(1) Hung S. Bui.

(3) Kammie Cuneo.

BA1-01-0588

EXHIBIT C

(2) Robert Richardson.

(4) _____

P. 2/3

Date of Interview: 11/09/05; 05/04/06. 5/31/06

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: _____

Claim(s) discussed: none.

Identification of prior art discussed: none.


Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


 KAMMIE CUNEO
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 2800
 Examiner's signature, if required

Continuation Sheet (PTOL-413)

BA1-01-0588

EXHIBIT C

p. 3/3

Application No. 10/607,792

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant's representative, Robert Richardson, called the examiner on 11/09/2005. The applicant's representative told the examiner over the phone that the applicant elected group 1, claims 1-18 in response to the written restriction. The examiner told the applicant it was acknowledged. The applicant asked the examiner if a one month extension of time was necessary since applicant was calling three days late. The examiner told the applicant that the office would take care of it. Later, the examiner forgot about the call. When there was no response received after 6 months, the examiner called and left to applicant a message about abandonment. The applicant called the examiner (and the examiner's supervisor) back a few days later on May 4th, 2006, but the examiner had already mailed out the abandonment form. On May 31st, 2006, the examiner's supervisor informed the applicant that the USPTO would make record of these events in the file, but that the applicant must file a petition and written response to withdraw the holding of abandonment.

BA1-01-0588

EXHIBIT D

P.1/1

ROBERT R. RICHARDSON, P.S.

Telephone Call Record

From/Org: Exr Bui. 1 Date: 5/1/06
To/Org: R/R Start time: 8:30
Phone No.: (571) 272-2102 Stop time: _____
Re: 10/007, 792 Matter: BA1-01-0588

msg re: status of case

I left msg re action via tlc 11/1/05

By: R/R



BA1-01-0588

EXHIBIT E

P. 1/1

ROBERT RICHARDSON

Bill Date: May 17, 2006

Account No: 360-692-0626 574B

Page 6

Service Detail - Long Distance Usage

360-692-0626

No.	Date	Time	Called Number	Location	Min:Sec	Charges
1.	Apr 13	12:14P	949 790-1320	IRVINE CA	7:18	.36
2.	Apr 14	9:25A	206 655-4827	SEATTLE WA	0:30	.03
3.	Apr 14	9:26A	425 985-4859	BELLEVUE WA	6:48	.34
4.	Apr 14	9:51A	314 703-6142	LADUE MO	0:30	.02
5.	Apr 14	9:51A	314 703-6142	LADUE MO	0:30	.03
6.	Apr 14	9:51A	314 545-6868	LADUE MO	0:30	.02
7.	Apr 14	11:10A	571 272-4200	ALEXANDRIA VA	2:06	.11
8.	Apr 14	11:13A	571 272-4200	ALEXANDRIA VA	9:00	.45
9.	Apr 14	11:25A	949 790-1370	IRVINE CA	3:12	.16
10.	Apr 14	3:19P	949 790-1320	IRVINE CA	1:48	.09
11.	Apr 14	3:36P	206 375-5777	SEATTLE WA	9:36	.48
12.	Apr 17	3:22P	312 326-7004	CHICAGO IL	0:36	.03
13.	Apr 17	3:24P	561 981-4497	BOCA RATON FL	0:54	.04
14.	Apr 18	10:16A	425 985-4859	BELLEVUE WA	1:06	.06
15.	Apr 18	10:47A	949 790-1370	IRVINE CA	2:48	.14
16.	Apr 18	11:07A	312 326-7004	CHICAGO IL	0:30	.02
17.	Apr 18	11:48A	312 326-7004	CHICAGO IL	0:30	.03
18.	Apr 18	11:49A	561 981-4497	BOCA RATON FL	6:12	.31
19.	Apr 18	1:45P	425 985-4859	BELLEVUE WA	0:30	.02
20.	Apr 18	1:46P	312 326-7004	CHICAGO IL	0:30	.03
21.	Apr 19	10:28A	425 653-3601	BELLEVUE WA	5:00	.25
22.	Apr 19	1:16P	561 981-4497	BOCA RATON FL	0:30	.02
23.	Apr 19	1:17P	312 326-7004	CHICAGO IL	0:30	.03
24.	Apr 19	1:25P	561 981-4497	BOCA RATON FL	0:30	.02
25.	Apr 19	1:26P	312 326-7004	CHICAGO IL	0:30	.03
26.	Apr 19	1:27P	425 985-4859	BELLEVUE WA	1:06	.05
27.	Apr 19	2:51P	206 524-6520	SEATTLE WA	27:06	1.36
28.	Apr 20	9:05A	206 652-0890	SEATTLE WA	20:00	1.00
29.	Apr 20	9:56A	425 985-4859	BELLEVUE WA	0:30	.02
30.	Apr 20	9:56A	425 985-4859	BELLEVUE WA	0:30	.03
31.	Apr 20	1:02P	425 985-4859	BELLEVUE WA	0:54	.04
32.	Apr 20	3:43P	312 326-7004	CHICAGO IL	0:30	.03
33.	Apr 20	7:29P	425 653-3601	BELLEVUE WA	1:12	.06
34.	Apr 21	11:51A	561 981-4497	BOCA RATON FL	0:30	.02
35.	Apr 21	11:51A	312 326-7004	CHICAGO IL	0:30	.03
36.	Apr 23	8:43P	509 766-7000	MOSES LAKE WA	2:12	.11
37.	Apr 24	9:41A	571 272-1173	ALEXANDRIA VA	1:00	.05
38.	Apr 24	12:42P	571 272-1173	ALEXANDRIA VA	1:36	.08
39.	Apr 25	2:14P	312 326-7004	CHICAGO IL	0:30	.02
40.	Apr 25	2:14P	561 981-4497	BOCA RATON FL	20:48	1.04
41.	Apr 30	10:12P	206 655-7981	SEATTLE WA	1:36	.08
42.	May 01	8:25A	571 272-2101	ALEXANDRIA VA	0:36	.03
43.	May 01	8:26A	571 272-2102	ALEXANDRIA VA	1:48	.09
44.	May 01	8:34A	312 326-7004	CHICAGO IL	0:48	.04
45.	May 01	9:45A	312 326-7004	CHICAGO IL	31:24	1.49
46.	May 01	10:38A	206 655-5231	SEATTLE WA	2:00	.00
47.	May 01	10:45A	949 790-1320	IRVINE CA	2:06	.00
48.	May 01	11:32A	206 655-7981	SEATTLE WA	1:30	.00
49.	May 01	11:34A	206 655-7982	SEATTLE WA	0:30	.00
50.	May 01	12:15P	425 985-4859	BELLEVUE WA	7:42	.00
51.	May 02	9:24A	312 326-7004	CHICAGO IL	16:06	.00



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,792	06/27/2003	Robert T. Beierle	BOEI-1-1191	6267

7590 05/02/2006

ROBERT R. RICHARDSON, P.S.
P.O. BOX 2677
SILVERDALE, WA 98683-2677

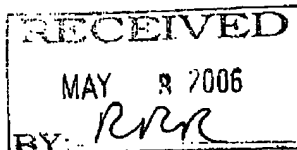
EXAMINER

BUI, HUNG S

ART UNIT PAPER NUMBER

2841

DATE MAILED: 05/02/2006



Please find below and/or attached an Office communication concerning this application or proceeding.

BA1-01-0588
EXHIBIT F
P. 1/2

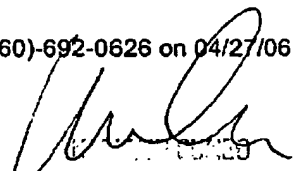
Notice of Abandonment	Application No.	Applicant(s)	
	10/607,792	BEIERLE, ROBERT T.	
	Examiner	Art Unit	
	Hung S. Bui	2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 03 October 2005.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below)
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if BA1-01-0588 onths
 - (a) ☐ The issue fee and publication fee, if applicable, was received on P. 2/2 dated _____, which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due. The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

A telephone call was made to attorney for applicant, Robert R. Richardson at (360)-692-0626 on 04/27/06 to confirm the abandonment of the application.


 ROBERT R. RICHARDSON
 ATTORNEY FOR APPLICANT
 U.S. PATENT AND TRADEMARK OFFICE

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
 PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 04282008



ROBERT R RICHARDSON
 Bill Date: May 17, 2006
 Account No: 360-692-0626 574B

BA1-01-0588
 EXHIBIT G.
 P. 1/1

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Service Detail - Long Distance Usage

360-692-0626

No.	Date	Time	Called Number	Location	Min:Sec	Charges
1.	May 02	9:42A	312 326-7004	CHICAGO IL	2:18	.00
2.	May 02	10:14A	206 655-5231	SEATTLE WA	4:48	.00
3.	May 02	10:25A	425 865-3371	BELLEVUE WA	2:18	.00
4.	May 02	10:59A	949 790-1354	IRVINE CA	2:18	.00
5.	May 02	11:06A	206 655-7982	SEATTLE WA	4:48	.00
6.	May 02	12:46P	312 326-7004	CHICAGO IL	13:48	.00
7.	May 02	1:41P	206 655-5523	SEATTLE WA	18:30	.00
8.	May 02	3:51P	949 790-1354	IRVINE CA	3:24	.00
9.	May 03	9:16A	949 790-1357	IRVINE CA	4:42	.00
10.	May 03	9:59A	949 790-1354	IRVINE CA	2:18	.00
11.	May 03	10:25A	703 305-8309	ALEXANDRIA VA	1:54	.00
12.	May 03	10:33A	949 790-1370	IRVINE CA	0:36	.00
13.	May 03	11:11A	425 717-2047	EVERETT WA	6:36	.00
14.	May 03	11:18A	949 790-1370	IRVINE CA	19:54	.00
15.	May 03	11:41A	714 896-3791	WESTMINSTR CA	1:30	.00
16.	May 03	1:53P	206 544-1350	SEATTLE WA	0:30	.00
17.	May 03	1:54P	206 399-7931	SEATTLE WA	0:36	.00
18.	May 03	2:40P	949 790-1307	IRVINE CA	1:30	.00
19.	May 03	5:09P	206 399-7931	SEATTLE WA	7:06	.00
20.	May 04	8:45A	571 272-2102	ALEXANDRIA VA	2:12	.00
21.	May 04	8:48A	571 272-1957	ALEXANDRIA VA	8:54	.00
22.	May 04	1:49P	571 272-2102	ALEXANDRIA VA	4:48	.00
23.	May 04	1:55P	949 790-1354	IRVINE CA	1:18	.00
24.	May 04	2:14P	949 790-1354	IRVINE CA	0:36	.00
25.	May 04	2:21P	949 790-1354	IRVINE CA	0:36	.00
26.	May 04	2:32P	949 790-1354	IRVINE CA	0:36	.00
27.	May 04	2:39P	805 373-4170	THOUSAOAKS CA	10:24	.00
28.	May 04	3:00P	949 790-1354	IRVINE CA	0:36	.00
29.	May 04	3:43P	949 790-1354	IRVINE CA	0:30	.00
30.	May 04	3:57P	949 790-1354	IRVINE CA	0:30	.00
31.	May 05	10:02A	949 790-1353	IRVINE CA	21:36	.00
32.	May 05	11:49A	805 373-4244	THOUSAOAKS CA	0:30	.00
33.	May 05	1:45P	949 790-1320	IRVINE CA	3:24	.00
34.	May 05	2:48P	805 373-4170	THOUSAOAKS CA	1:00	.00
35.	May 05	3:20P	949 790-1320	IRVINE CA	2:30	.00

Total calls for 360-692-0626	97	510:42	\$15.99
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360-692-6584

No.	Date	Time	Called Number	Location	Min:Sec	Charges
36.	Apr 10	10:06A	703 308-6672	ALEXANDRIA VA	1:30	.07
37.	Apr 18	2:54P	425 671-0313	BELLEVUE WA	0:54	.04

continued on back